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CRIME

Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

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Agenda items 3, 4, 5 and 6*
Promoting the rule of law and strengthening the criminal justice system
International cooperation in combating transnational crime: new challenges in the twenty-first century
Effective crime prevention: keeping pace with new developments
Offenders and victims: accountability and fairness in the justice process

Draft Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

Note by the Secretariat

The present document reflects the outcome of the first three meetings of the open-ended working group established by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

[Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century]

[*We the Member States of the United Nations*],

Concerned about the impact on our societies of the commission of serious crimes of a global nature and convinced of the need for bilateral, regional and international cooperation in crime prevention and criminal justice,

Concerned in particular about transnational organized crime and the relationships between its various forms,

[*Concerned also* by the increase in inequalities and imbalances between and within countries which, despite admirable technical and scientific progress, have worked against the creation of more equitable socio-economic conditions to contribute to combating crime, (proposal from Colombia related to earlier operative drafts)]

* A/CONF.187/1.

[*Stressing* that a fair, responsible, ethical and efficient criminal justice system is at the very core of economic and social development and of human security, (reservation by Pakistan with the following option: "Mindful of the need to promote international cooperation for the elimination of poverty in order to combat more effectively organized crime)]

[*Aware* of the promise of restorative approaches to justice that aim to promote healing of victims, offenders and communities, (Canada)]

Having assembled at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Vienna from 10 to 17 April 2000 to decide to take more effective concerted action, in a spirit of cooperation, to combat the world crime problem,

Declare as follows:

1. We note with appreciation the results of the regional preparatory meetings for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.[1]

2. We reaffirm the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and fundamental freedoms, and promotion of the highest standards of fairness, humanity and professional conduct.

3. We emphasize the responsibility of each State to establish and maintain a fair, responsible, ethical and efficient criminal justice system in accordance with the principles of the Charter of the United Nations and international law. [reservation of Pakistan related to reference to the Charter of the United Nations]

4. We recognize the necessity of closer coordination and cooperation among States in combating the world crime problem, bearing in mind that action against it is a common and shared responsibility. In this regard, we acknowledge the need to develop and promote technical cooperation activities to assist States in their efforts to strengthen their domestic criminal justice systems and their capacity for international cooperation.

5. We shall accord high priority to the completion of the negotiation of the United Nations Convention against Transnational Organized Crime and the protocols thereto, taking into account the concerns of all States.

6. We support efforts to assist States in capacity-building, including in obtaining training and technical assistance and in developing legislation, regulations and expertise, with a view to facilitating the implementation of the Convention and the protocols thereto.

7. Consistent with the goals of the Convention and the protocols thereto, we shall endeavour:

(a) To incorporate a crime prevention component into national and international development strategies;

(b) To intensify bilateral and multilateral cooperation, including technical cooperation, in the areas [to be] covered by the Convention and the protocols thereto;

(c) To enhance donor cooperation in areas with crime prevention aspects;

[1] A/CONF.187/RPM.1/1 and Corr.1, A/CONF.187/RPM.2/1, A/CONF.187/RPM.3/1 and A/CONF.187/RPM.4/1.

(d) To strengthen the capability of the Centre for International Crime Prevention, as well as the United Nations Crime Prevention and Criminal Justice Programme network, to assist States, at their request, in building capacity in areas [to be] covered by the Convention and the protocols thereto.

8. We welcome the efforts being made by the Centre for International Crime Prevention to develop, in cooperation with the United Nations Interregional Crime and Justice Research Institute, a comprehensive global overview of organized crime as a reference tool and to assist Governments in policy and programme development.

[8 *bis*. We reaffirm the priority themes of the United Nations Crime Prevention and Criminal Justice Programme and the need to maintain a balance in those priority areas. (new proposal from Finland)]

9. We reaffirm our continued support for and commitment to the United Nations and to the United Nations Crime Prevention and Criminal Justice Programme, especially the Commission on Crime Prevention and Criminal Justice and the Centre for International Crime Prevention, the United Nations Interregional Crime and Justice Research Institute and the institutes of the Programme network, and resolve to strengthen the Programme further through sustained funding, as appropriate.

[9 *bis*. We undertake to strengthen international cooperation in order to eliminate the root causes for the committing of crime, among others, underdevelopment and unemployment. (revised proposal by the Islamic Republic of Iran)]

10. We commit ourselves to taking into account and addressing, within the United Nations Crime Prevention and Criminal Justice Programme, as well as within national crime prevention and criminal justice strategies, any disparate impact of programmes and policies on women and men.

11. We commit ourselves to the development of action-oriented policy recommendations based on the special needs of women as criminal justice practitioners, victims, prisoners and offenders.

12. We emphasize that effective action for crime prevention and criminal justice requires the involvement, as partners and actors, of Governments, national, regional, interregional and international institutions, intergovernmental and non-governmental organizations and various segments of civil society, including the mass media and the private sector, as well as the recognition of their respective roles and contributions.

13. We also commit ourselves to the development of more effective ways of collaborating with one another with a view to eradicating the scourge of trafficking in persons, especially women and children, and the illegal trafficking in and transporting of migrants. We shall also consider supporting the global programme against trafficking in persons developed by the Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, which is subject to close consultation with Member States and review by the Commission on Crime Prevention and Criminal Justice, and we establish 2005 as the target year for achieving a significant decrease in the incidence of those crimes worldwide and, where that is not attained, for assessing the actual implementation of the measures advocated.

14. We further commit ourselves to the enhancement of international cooperation and mutual legal assistance to curb illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and we establish 2005 as the target year for achieving a significant decrease in the incidence of illicit manufacturing of and trafficking

in firearms worldwide. [We attach great importance to the organization of the international conference on illicit arms trade in all its aspects, which will be held in June and July 2001 under the auspices of the United Nations (France; question of inclusion and/or placement still to be decided)].

15. We commit ourselves to taking enhanced international action against corruption, building on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,[2] the International Code of Conduct for Public Officials[3] and relevant regional conventions. We stress the urgent need to develop an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime, and we invite the Commission on Crime Prevention and Criminal Justice to request the Secretary-General to submit to it at its tenth session, in consultation with Member States, a thorough review and analysis of all relevant international instruments and recommendations as part of the preparatory work for the development of such an instrument. We shall consider supporting the global programme against corruption developed by the Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, which is subject to close consultation with Member States and review by the Commission on Crime Prevention and Criminal Justice. [We note with appreciation the Declaration of the first Global Forum on Fighting Corruption and we look forward to the second Global Forum, which will be held in 2001. (Netherlands; question of inclusion and/or placement still to be decided)].

Option 1

15 *bis*. [We reaffirm that combating money-laundering and the criminal economy constitutes a major element of the strategies against organized crime, established as a principle in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime.[4] We are convinced that the success of this action rests upon setting up and coordinating appropriate mechanisms, including measures to establish strong regimes to combat the laundering of proceeds of crime, to limit bank secrecy with respect to the investigation of such offences, to allow for the seizure and confiscation of proceeds of crime, to facilitate international cooperation in financial investigations and to support initiatives focusing on non-cooperative States and territories offering offshore financial services [France and the United States of America].

Option 2

15 *bis*. [We are aware that offshore financial centres are locations where approximately one billion dollars are laundered each day and that such centres have been linked to trafficking in drugs and arms and also to tax evasion and crimes involving corruption. We encourage the establishment, under the auspices of the United Nations, of an offshore forum entrusted with the task of enacting minimum standards to be observed by centres used as tax havens and other offshore financial centres in the interest of countering money-laundering and its criminal origins [Morocco].

[2] General Assembly resolution 51/191, annex.
[3] General Assembly resolution 51/59, annex.
[4] A/49/748, annex.

16. We decide to develop action-oriented policy recommendations on the prevention and control of computer-related crime, and we invite the Commission on Crime Prevention and Criminal Justice to undertake work in this regard, taking into account the ongoing work in other forums. We also commit ourselves to working towards enhancing our ability to prevent, investigate and prosecute high-technology and computer-related crime.

17. We note that acts of violence and terrorism continue to be of grave concern. We will together, in conjunction with our other efforts to prevent and to combat terrorism, take effective, resolute and speedy measures with respect to preventing and combating criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations. With this in view, we undertake to do our utmost to foster universal adherence to the international instruments concerned with the fight against terrorism and to investigate additional ways and means of combating this problem.

18. We also note that racial discrimination, xenophobia and related forms of intolerance continue and we recognize the importance of taking steps to incorporate into international crime prevention strategies and norms measures to prevent and combat crime associated with racism, racial discrimination, xenophobia and related forms of intolerance.

19. We affirm our determination to combat violence stemming from intolerance on the basis of ethnicity, resolve to make a strong contribution, in the area of crime prevention and criminal justice, to the planned World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

20. We recognize that the United Nations standards and norms in crime prevention and criminal justice contribute to efforts to deal with crime effectively. We also recognize the importance of prison reform, the independence of the judiciary and the prosecution authorities, and the International Code of Conduct for Public Officials.[5] We shall endeavour, as appropriate, to use and apply the United Nations standards and norms in crime prevention and criminal justice in national law and practice. We undertake to review relevant legislation and administration procedures, as appropriate, with a view to providing the necessary education and training to the officials concerned and ensuring the necessary strengthening of institutions entrusted with the administration of criminal justice.

21. We also recognize the value of the model treaties on international cooperation in criminal matters as important tools for the development of international cooperation and we invite the Commission on Crime Prevention and Criminal Justice to call upon the Centre for International Crime Prevention to update the Compendium in order to provide the most up-to-date versions of the model treaties to States seeking to utilize them.

22. We further recognize with great concern that juveniles in difficult circumstances are often at risk of becoming delinquent or easy candidates for recruitment by criminal groups, including groups involved in transnational organized crime, and we commit ourselves to undertaking countermeasures to prevent this growing phenomenon and to including, where necessary, provisions for juvenile justice in national development plans and international development strategies and to including the administration of juvenile justice in our funding policies for development cooperation.

23. We recognize that comprehensive crime prevention strategies at the international, national, regional and local levels must address the root causes and risk

[5] General Assembly resolution 51/59, annex.

factors related to crime and victimization through social, economic, health, educational and justice policies. We urge the development of such strategies, aware of the proven success of prevention initiatives in numerous States and confident that crime can be reduced through applying and sharing our collective expertise.

24. We commit ourselves to according priority to containing the growth and overcrowding of pre-trial and detention prison populations, as appropriate, by promoting safe and effective alternatives to incarceration.

25. We decide to introduce, where appropriate, national, regional and international action plans in support of victims of crime, such as mechanisms for mediation and restorative justice, and we establish 2002 as a target date for States to review their relevant practices, to develop further victim support services and awareness campaigns on the rights of victims and to consider the establishment of funds for victims, in addition to developing and implementing witness protection policies.

26. We encourage the development of restorative justice policies, procedures and programmes that are respectful of the rights, needs and interests of victims, offenders, communities and all other parties.

27. We invite the Commission on Crime Prevention and Criminal Justice to design specific measures for the implementation and follow-up of the commitments that we have undertaken in this Declaration.

Annex

Proposals not yet considered by the working group

1. South Africa proposes to amend the title to read: "Political Declaration of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000".

2. The Holy See and Switzerland propose to amend the preamble so as not to exclude observer States. Proposed amendment by the Holy See to read: "*We the States Members of the United Nations and the States participating in the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*,".

3. Colombia proposes to insert the following new paragraph 4: "We express our conviction of the desirability of dealing with the problems of crime in a comprehensive manner not limited to law enforcement. We recognize that more equitable economic development and societies exhibiting less marginalization and inequality will promote the implementation of prevention and rehabilitation programmes".